



152
Patent

Docket No.: BM-149CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthias Löw
Serial No.: 10/769,347
Filed: January 31, 2004
For: HANDLE FITTING
Group: 3612

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

S I R:

Submitted herewith is the Translation of the International Preliminary Examination Report for the above-identified application.

Respectfully submitted,

F. Kueffner

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Dated: August 3, 2004
FK:ml

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 3, 2004.

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By: *F. Kueffner*
Friedrich Kueffner

Date: August 3, 2004

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PATENT COOPERATION TREATY

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NOTIFICATION OF TRANSMITTAL OF COPIES OF TRANSLATION OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

MENTZEL, Norbert
Buse-Mentzel-Ludewig
Kleiner Werth 34
42275 Wuppertal
Germany

Eingegangen

18. MRZ. 2004

Erl.

BUSE · MENTZEL · LUDEWIG

Date of mailing (day/month/year) 14 March 2004 (14.03.04)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 1085-5/04a	
International application No. PCT/EP02/06614	International filing date (day/month/year) 15 June 2002 (15.06.02)
Applicant HUF HÜLSBECK & FÜRST GMBH & CO. KG et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CN,KR,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.89.75	Authorized officer M. OUCHOUKHI (Fax : 338 89 75) Telephone No. (41-22) 338 8566
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Translation



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1085-5/04a	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP2002/006614	International filing date (day/month/year) 15 June 2002 (15.06.2002)	Priority date (day/month/year) 18 September 2001 (18.09.2001)
International Patent Classification (IPC) or national classification and IPC E05B 65/20		
Applicant HUF HÜLSBECK & FÜRST GMBH & CO. KG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>10</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 01 April 2003 (01.04.2003)	Date of completion of this report 04 July 2003 (04.07.2003)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2002/006614

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages 1-7, filed with the letter of 04 April 2003 (04.04.2003)
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages 1-7, filed with the letter of 04 April 2003 (04.04.2003)
- ☒ the drawings:
pages 1/9-9/9, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: EP-A-1 026 349.

2. The amendments submitted with the letter of 28 March 2003 introduce substantive matter which, contrary to PCT Article 34(2)(b), goes beyond the disclosure in the international application as filed. This concerns the following amendments:

claim 1: the fact that the recess in the locking system accommodates the inner end with a **positive fit**;

page 2: **the positive engagement of the screw can keep the turret free from radial tension forces**;

page 5: the locking bar 24 formed by the screw 20 is introduced **positively** into the turret recess 33;

page 5: further disposed on the slide 21 is a spring plate 41...for **positive** locking.

- Pursuant to PCT Rule 70.2(c), these amendments have been disregarded for the purposes of this report.
3. The preamble of claim 1 is based on D1, which is considered the closest prior art.
 4. The subject matter of claim 1 differs therefrom by the features in the characterizing part of the claim. Claim 1 therefore meets the requirement of PCT Article 33(2).
 5. The subject matter of claim 1 is based on the problem of improving the locking of the turret or dummy turret. There is no precedent in the available prior art for the concept whereby the turret or dummy turret has, facing the screw, a recess which accommodates the inner end of the screw in the locking position and converts the screw held in the carrier into a locking bar which moves into the turret or dummy turret in order to solve the problem of interest. Therefore claim 1 meets the requirement of PCT Article 33(3).
 6. Dependent claims 2 to 7 concern particular embodiments of the invention and therefore meet the requirements of PCT Article 33.

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